

REMARKS

Claims 12-30 are pending. No claims are added, amended, or canceled.

Claims 28 and 30 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The basis of the rejection appears to be the number of articles made by Applicant's process. A claim can be directed to more than one article, certainly, when as here, the kinds of articles have a common element. In the previous Office Action, Applicants asked that if the Examiner was aware of contrary authority, that it be cited in support of the rejection. Applicants renew that request.

In regard to the question concerning the commonality of process between the articles, each article shares the common method recited in the claim in its manufacture. As such, Applicants believe that the claim is proper. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 12-30 stand rejected as allegedly anticipated by U.S. Patent No. 6,229,970 (the Richards patent). Applicants traverse this rejection. The rejection is apparently based on the assumption that the gypsum of the present invention is produced by the same process of that in the Richards patent. However, as taught at page 8, line 27 to page 9, line 3 of the instant application, WDP gypsum particles of differing dimensions are formed by different waste-gas desulfurization processes. It would not be obvious to one skilled in the art to select the instant particle size from the many possibilities.

In response to our previous arguments, the Office Action presents U.S. Patent No. 5,169,617 (the Clemmens patent) to allege that flu-gas desulfurization gypsum particles are necessarily 200 microns or less. That such particles or the Clemmens patent may overlap with the particles of the instantly claimed invention, does demonstrate that the particles of the Richardson patent are the same as those used in the claimed invention. The process of the Clemmens patent merely requires use of flu-gas desulfurization gypsum particles are 200 microns or less (see, for example, col. 2, ll 34-40). It does not teach, however, that flu-gas desulfurization gypsum particles are necessarily 200 microns or less. As discussed above, different processes can produce particles of different sizes.

The instant invention shows, for example, an advantage of decreased shrinkage. See Example 2 on pages 15-16 of the instant application. No such guidance is found in the

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**PATENT
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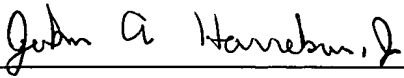
Richards patent. Furthermore, the Richards patent is directed to compounds with at least 7% pulped paper fibers (Col. 6, lines 18-21 of the Richards patent). The instant invention has no such requirement. Thus, significant differences exist between the instantly claimed inventions and the disclosure of the Richards patent. Because there is no guidance or suggestion in the Richards patent to modify its disclosed composition to arrive at any claimed invention, Applicants respectfully request reconsideration and withdrawal of the rejection.

In regard to claims 16-18 and 30, the Richardson patent does not disclose or suggest the use of polymers recited in these claims. See, for example, col. 4, ll 10-27. For at least this reason, Applicants submit that the rejection should be withdrawn as applied to these claims.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejections and an allowance of all of pending claims is earnestly solicited.

Respectfully submitted,

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John A. Harrelson, Jr.
Registration No. 42,637

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439